

EXCERPTS FROM EQUITY HEARING:

ROSE POLEK

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they do not have any recall rights, and they are not eligible for a furlough.

Q That was your understanding?

A Correct.

MS. FORNEY: No other questions, Your Honor.

THE COURT: Cross-examine.

CROSS EXAMINATION

BY MR. PRINGLE:

Q Do you remember Mr. Clites testifying?

A I was not here when he testified.

Q Is there a resignation letter in Ms. Wilhelm's file?

A No, there is not.

Q Is there an explanation as to why the code has been changed to resignation, and there is no resignation letter?

A No. Not to me, there wasn't.

Q Is the old coding also in her file?

A No, it is not.

Q If she applied to a position with another state agency, how would the Human Resources Department know -- how would the Human Resources Department know that she actually was terminated versus resigned?

A They wouldn't know that she was terminated.

Q Is there any explanation as to -- how would Ms. Wilhelm be able to explain her two and a half years of unemployment?

A I do not know.

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Q Y MR Is the letter of dismissal still in the file?

A No, it is not. Wilhelm whether or not it was okay with

Q What happened to that? g to resignation, voluntary

A assign It was purged.

Q If Ms. Wilhelm applies for a job with another Commonwealth agency, what should she tell them?

A As far as?

Q When they say you resigned, why did you resign?

A I am MS. FORNEY: I object to the question, Your Honor, as to why she should speculate as to what Ms. Wilhelm should be telling other Commonwealth agencies.

THE COURT: This change of designation still presents a problem; doesn't it? It may not be a detrimental effect on her written record or her file, but there is still the problem she has to overcome if she is asked why did you resign. Is she going to tell the truth? Honor. The reason is that th MS. FORNEY: I think that would be up to Ms., and I Wilhelm, Your Honor. Certainly, one thing she could explain, which is what her dismissal letter said, was that her office was reorganized. COURT: Okay.

THE COURT: I think it is an argument for you to make, Mr. Pringle. I am not too sure this witness can give you an answer to your question. It is a legitimate argument for you to make during argument.

THE COURT: We are only going to go to 4:30. Put

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BY MR. PRINGLE:

Q Did you ask Ms. Wilhelm whether or not it was okay with her if you changed the coding to resignation, voluntary resignation?

A No.

Q Did you contact me?

A No.

Q Did someone contact me?

A I am not aware if anybody contacting you or not.

MR. PRINGLE: No further questions.

THE COURT: Redirect?

MS. FORNEY: No, Your Honor.

THE COURT: You may step down.

MS. FORNEY: May the witness be excused?

THE COURT: Any objection, Mr. Pringle?

MR. PRINGLE: Yes, I do, Your Honor. The reason is that this witness works in the Personnel Department, and I may be calling her for rebuttal based on testimony that may be presented by the Commonwealth.

THE COURT: Okay.

MS. FORNEY: The witness was not subpoenaed however.

MR. PRINGLE: She is here now. I am asking that

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THE COURT: We are only going to go to 4:30. Put

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